

Remarks:

These remarks are responsive to the Office action dated June 18, 2007. Claims 1-9, 11, 12, 14-20, 41, and 42 are pending in the application, prior to entry of the present amendments to the claims. In the Office action, the Examiner required election of a single species (a, b, or c) under 35 U.S.C. § 121 for prosecution on the merits.

In response, applicants have

- (1) elected species (b) without traverse;
- (2) canceled claims 2-4, 7, 8, and 18, without prejudice; and
- (3) amended claims 1, 5, 6, 9, 11, 17, and 19 such that every claim now depends ultimately from independent claim 12.

Further aspects of the election are presented in the section below.

I. Election of a Species

The Examiner required election of one of the following species under 35 U.S.C.

§ 121:

- a. A device for sorting particles including a channel with 2 outlets containing a passage generally opposing the second outlet with a fluid diode disposed therein.
- b. A device for sorting particles having a channel with 2 outlets further containing thin film electrical devices including one or both of a thin film heater and a thin film piezoelectric element disposed between a substrate and a fluid barrier.
- c. A device for sorting particles including 2 channels extending adjacent one another connected via a third transverse channel and first and second transport mechanisms.

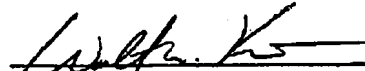
Applicants elect species (b) without traverse. Furthermore, applicants submit that, after entry of the present amendments, every pending claim reads on the elected species.

II. Conclusion

Applicants have responded fully to the Office action and submit that the application is in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner M. Hageman, Group Art Unit 3653, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on July 18, 2007.



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Page 8 -

RESPONSE TO RESTRICTION REQUIREMENT
Serial No. 10/763,112
HP Docket No. 200301164-1
KH Docket No. HPCC 382